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PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1998-1999

First report of the Advisory Committee on Administrative and Budgetary Questions*

Part III. International justice and law

III.1. Part III of the proposed programme budget covers section 5, International Court of Justice ($22,077,000), and section 6, Legal affairs ($37,436,100).

Section 5. International Court of Justice

III.2. The estimate for section 5 for the biennium 1998-1999 amounts to $21,516,900 before recosting, which constitutes an increase of $1,531,000 compared with the 1996-1997 appropriations.

III.3. As indicated in paragraph 5.8 of the proposed programme budget, the estimates relating to the statutory entitlements of the members of the Court are scheduled for a comprehensive review by the General Assembly at its fifty-third session. The resources proposed in subsection A, based on existing rates, are therefore provisional. Any changes resulting from decisions taken by the Assembly at its fifty-third session with regard to emoluments and other conditions of service for the members of the Court will be reported in the performance report for the programme budget for the biennium 1998-1999.

* The present document contains part III of chapter II of the first report of the Advisory Committee on Administrative and Budgetary Questions on the proposed programme budget for the biennium 1998-1999. Chapter I has been issued as Official Records of the General Assembly, Fifty-second Session, Supplement No. 7 (A/52/7). The complete first report will be issued as Official Records of the General Assembly, Fifty-second Session, Supplement No. 7 (A/52/7/Rev.1).

III.4. The Advisory Committee was informed that, at present, the Court has 11 resident and 4 non-resident judges. There are also 14 ad hoc judges.

III.5. The Advisory Committee notes from table 5.2 of the proposed programme budget that the bulk of the 7.6 per cent increase in section 5 results from resource growth of $703,400 for temporary assistance for meetings (recruitment and travel of freelance interpreters, translators and stenographer-typists). The Committee was informed that a portion of those temporary funds was required for the translation services formerly provided by two P-4 staff on temporary posts. The Committee was informed that many cases involved thousands of pages of word processing and is of the opinion that if the workload continues to increase it may be necessary to examine the cost-effectiveness of providing temporary services against that of using staff on board. The current workload includes nine cases, with the possibility of the addition of two new ones during the coming biennium.

III.6. The Advisory Committee also notes the resource growth of $450,400 in contractual services for the coming biennium related to printing of the Court's publications and translation of the Court's documents. The Committee was informed that the intent was to restore resources to the level of 1994-1995, before the reduction during 1996-1997 necessitated by the economy measures. Furthermore, the resources requested reflect an attempt only to prevent the existing backlog, which dates back 10 years, from increasing any further, not to reduce it.

III.7. Although the Advisory Committee was informed of the limitations in the use of new technology, namely, that electronic records are not yet considered an alternative to hard copies of the judicial pronouncements, it recommends that the Court explore vigorously the introduction of modern technology, including methods used by regional and national judicial systems, as well as the experience of the Office of Legal Affairs in reducing its own backlog in the publication of treaties, with a view to improving and modernizing its capacity for storage, publication, retrieval and distribution of Court documents.

III.8. The Advisory Committee also believes that the General Assembly should encourage Member States to provide their own pleadings in the official languages of the Court (French and English) so that translation resources can be dedicated to the translation of the judicial rulings of the Court.

III.9. Paragraph 5.22 of the proposed programme budget indicates requirements of $2,695,100 for general operating expenses, including a resource growth of $601,000. Of that amount, $485,800 relates to an increase for the additional space used by the Court in the Peace Palace at The Hague. The Carnegie Foundation has requested that the contribution paid by the United Nations for the use of the premises of the Court be increased by 2.5 per cent in each year of the coming biennium. The Committee sought additional explanation regarding the basis for the request for that increase and what the 2.5 per cent rate represented. It was informed that the rate was based on price and wage data from the Central Plan Bureau (Netherlands Bureau for Economic Policy Analysis), in particular, the cost of government consumption, which integrates two components: wages and salaries of government employees and the cost of public administration buildings. The Bureau estimated price increases for public administration buildings of 2.8 per cent for 1997 and 2.5 per cent for 1998, while for private enterprise buildings the estimated price increase is 2.5 per cent for both 1997 and 1998.

III.10. The Advisory Committee notes, therefore, that the rate corresponds to the real estate inflation rate at The Hague, while the general inflation rate for cost of living applied at The Hague by the United Nations is 1.9 per cent. Furthermore, the Committee notes that specific inflation rates are not used in any other duty stations for the maintenance of premises. However, the Committee recalls in this regard that the General Assembly, in its resolution 50/214 of 23 December 1995, accepted the proposal made by the Committee in its report on conditions of service and compensation for officials other than Secretariat officials,[1] indicating that the provision on inflation would be subject to review by the Committee and approval by the Assembly each time it was requested.

III.11. As indicated in paragraph 5.15 of the proposed programme budget, the estimated requirements of $8,203,100 provide for the continuation of 57 posts: 54 established posts (22 at the Professional and 32 at the General Service level) and 3 General Service temporary posts. The Advisory Committee was informed of three vacancies, comprising one P-5, one P-2 and one General Service at the time of the hearings.

III.12. The Advisory Committee sought further information on the implementation of recommendations made by the External Auditors on various issues related to the travel estimates for the Court as well as overhead costs incurred by the United Nations in arbitration cases, as indicated in its first report on the proposed programme budget for the biennium 1996-1997.[2] In this regard, the Committee was informed that the External Auditors, in the context of the interim audit of the financial statements of the Court for the biennium ended in 1995, had made observations on the insufficiency of explanation pertaining to particular trips undertaken by some members of the Court. The Committee was assured, however, that the Registrar had provided clarification on those specific cases and that measures had been taken to ensure that cost justifications were provided in travel authorizations. The Committee was further informed that the issue of overhead costs incurred by the United Nations in arbitration cases was not among the issues covered by the External Auditors.

Section 6. Legal affairs

III.13. As shown in table 6.2 of the proposed programme budget, the Secretary-General's estimate for section 6 for 1998-1999 amounts to $31,791,300 before recosting, showing an increase of $1,536,800 against the 1996-1997 appropriations. In addition, an amount of $3,957,300 is shown under extrabudgetary resources. The Advisory Committee notes the considerable increase in the requirements under contractual services - from $1.1 million for 1996-1997 to $2.4 million in 1998-1999. The specific amounts, relating to external printing under each subprogramme, are indicated in paragraphs 6.19, 6.27, 6.68 and 6.114 of the proposed programme budget.

III.14. As indicated in paragraph 6.3, according to the medium-term plan for the period 1998-2001,[3] the overall objectives of programme 4, Legal affairs, are to provide a unified central legal service for the Secretariat and the principal and other organs of the United Nations. In this connection, the Advisory Committee recalls its comments made in its first report on the programme budget for 1996-1997[4] regarding the need to ensure that procedures are in place so that any legal advice given by officers carrying out legal functions in the Secretariat other than in the Office of Legal Affairs - including those serving in peacekeeping operations - is consistent with the practice of the United Nations Legal Counsel.

III.15. As indicated in paragraph 6.15, the International Law Commission is to consider during its 1997 session whether to have a split session of five weeks in Geneva and five weeks in New York. Although the Advisory Committee was informed that such a session would affect the cost only marginally, it believes that other factors such as the meeting capacity at headquarters, which is already saturated, should be taken into consideration.

III.16. As indicated in table 6.3, the total number of regular budget posts proposed for the biennium 1998-1999 is 142, representing a decrease of 3 regular budget posts as compared with the total of 145 for 1996-1997. As indicated in the same table, the total number of extrabudgetary posts proposed for 1998-1999 is 16 - two less than the total for 1996-1997. Of the three regular budget posts proposed to be abolished, the Advisory Committee was informed that they had been vacant for most of the current biennium.

III.17. The Advisory Committee queried savings of $9,000 per volume reported in the report entitled "UN 21: accelerating managerial reform for results" (A/51/873) with regard to the publishing of the Treaty Series Cumulative Index. The Committee was informed that no funds were available for release in this regard since the results had been achieved through the use of new technology, thus allowing for an increase in printing and clearing of the backlog within existing funds allocated for the period.

III.18. The Advisory Committee was informed upon enquiry that in past years part of the amount allocated for publication of the Monthly Statement of Treaties, the United Nations Treaty Series and the Treaty Series Cumulative Index was returned to the budget unutilized. That was the result of a sharp increase in the workload associated with the number of treaties and related publications, as well as the laborious and inefficient process involved. However, from 1995 onwards, the pace of publication picked up considerably: 28 volumes were published in 1993; 27 were published in 1994; in 1995 publication almost doubled to 58 volumes; 60 were produced in 1996; and 70 and 80 have been forecast for 1997 and 1998 respectively. Through a new multifaceted approach, which includes a major computerization and training programme, the Office of Legal Affairs plans to eliminate the backlog of the Treaty Series in three years, the Monthly Statement of Treaties in less time and the Treaty Series Cumulative Index within three years.

III.19. The Advisory Committee was informed, therefore, that the high expenditure associated with external printing would constitute a one-time cost - once the backlog was cleared, that high level of resources would not be required again. The Committee was also informed that the internal printing capacity could not handle such a large volume at present, in terms of the quantity and size of the volumes themselves. The Office envisages, however, a move from external typesetting to the repro-copying of treaties for publication and to desktop publishing - a technique already utilized in the Depositary Functions Unit and the Indexing Unit, as indicated in paragraph 6.104 of the proposed budget for 1998-1999. The Committee welcomes this information.

III.20. As indicated in paragraph 6.9 of the proposed budget, a total of five posts (4 Professional and 1 General Service) are being redeployed from the Office of Conference and Support Services to the Treaty Section in relation to subprogramme 6. The establishment of a P-3 post is proposed under programme support to provide common service to the Office of Legal Affairs in the area of systems analysis, with responsibilities for information systems, database design and development of office automation. Furthermore, as explained in paragraph 6.36, the proposal to reclassify a D-1 regular budget post to the D-2

level would accommodate the Director and Deputy to the Legal Counsel, who currently occupies a D-2 post funded from extrabudgetary resources. The latter D-2 post would accordingly be downgraded to the D-1 level. The Advisory Committee recommends this reclassification, which, in view of the functions of the post, should more appropriately be funded under the regular budget.

III.21. The abolition of six Professional posts and three General Service posts is also proposed in connection with subprogramme 4, Law of the sea and ocean affairs, in view of the restructuring of the programme of work related to the entry into force of the United Nations Convention on the Law of the Sea. The Advisory Committee requested additional information regarding the functions of the posts involved, in view of the heavy workload, and requests for consultancies and other staff costs. It is the view of the Committee that the core functions of the Office of Legal Affairs are better performed by experienced staff, acquainted with United Nations practice, on a permanent rather than a temporary basis.

III.22. The Advisory Committee reiterates its comments made in its previous report[5] recommending that the Secretary-General review the adequacy of reimbursements from extrabudgetary activities. It also reiterates its view that subscribers such as law firms and libraries should pay for the Yearbook of the United Nations Commission on International Trade Law.[6]

III.23. As indicated in paragraph 6.47(b)(ii) of the proposed programme budget, assistance will be provided by the General Legal Division in relation to procurement of supplies and services for peacekeeping, observer, humanitarian, good-offices, emergency and other special missions and the settlement of disputes and claims for property damage, personal injury and death. The Advisory Committee requested information on the amounts paid to lawyers and firms, nationalities and fees involved. The Committee intends to examine this matter in the context of its review of the report of the Secretary-General on the matter.

Report of the Secretary-General on United Nations reform: measures and proposals (A/52/303)

The above report was issued subsequent to the Advisory Committee's consideration of its draft report on the proposed programme budget for the biennium 1998-1999.

As shown in tables 6.1 and 6.2 of that report, the financial consequences of the Secretary-General's actions and recommendations relating to section 6 would be a reclassification of a D-2 post in the Office of the Legal Counsel to the Assistant Secretary-General level and an increase of $48,100 from $31,791,300 to $31,839,400 before recosting.

At the time of the Advisory Committee's consideration of its draft report, a decision still had not been reached on how the Secretary-General's reform would be dealt with in the General Assembly. The Committee will therefore revert to consideration of document A/52/303 in due course.

Notes

[1] Official Records of the General Assembly, Fiftieth Session, Supplement No. 7 (A/50/7 and addenda), document A/50/7/Add.11.

[2] Ibid., Supplement No. 7 and corrigendum (A/50/7 and Corr.1), para. III.4.

[3] Official Records of the General Assembly, Fifty-first Session, Supplement No. 6 and corrigendum (A/51/6/Rev.1 and Rev.1/Corr.1).

[4] Official Records of the General Assembly, Fiftieth Session, Supplement No. 7 and corrigendum (A/50/7 and Corr.1), para. III.24.

[5] Ibid., para. III.19.

[6] Ibid., para. III.20.